

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



January 30, 1992

ALL-COUNTY LETTER NO. 92-13

TO: COUNTY BOARDS OF SUPERVISORS
COUNTY WELFARE DIRECTORS

SUBJECT: FAMILY PRESERVATION PROGRAM

This letter provides application requirements and instructions for counties that wish to implement family preservation services.

BACKGROUND

Recently enacted legislation [(Chapter 91, Statutes of 1991 (AB 948) and Chapter 868, Statutes of 1991 (AB 546)], expands family preservation services statewide, subject to the limitations described below. These statutes authorize the State Department of Social Services (SDSS) to advance up to 25% of projected State Aid to Families with Dependent Children-Foster Care (AFDC-FC) expenditures to counties approved for this program. This advance is to be used to provide family preservation services aimed at avoiding or limiting out-of-home placement of children who have experienced child abuse or neglect within the family and at expediting the return home of children already in placement. Specific SDSS approval is required by statute for counties wishing to provide family preservation services to children who are the responsibility of the County Probation Department or to children in need of out-of-home placement for educational purposes pursuant to Government Code Section 7572.5.

APPLICATION PROCESS

The SDSS invites counties to submit plans for family preservation services in Fiscal Year 1991/1992. To facilitate this process, we are enclosing the format to be used when submitting your plan for SDSS approval. Please note that the attached Family Preservation Services Case Information form (SOC 422) is the form that the county will use to submit client data to SDSS. Copies of the relevant laws are also included and should be reviewed carefully when making your decision to participate in the program. Under certain circumstances, the statute requires that a share of the costs of the program be paid by the county.

Any county that has a family preservation plan approved by SDSS may participate; however, the statute limits the number of new counties that can implement family preservation services to 24 per fiscal year. Eight counties were either providing services or had an MOU executed during Fiscal Year 1990-91. Another six counties are in the process of implementing services during Fiscal Year 1991/1992. It is our intent to select up to 18 additional counties for a total of 24 counties to implement family preservation in Fiscal Year 1991/1992. If a county submits a plan and is not selected for implementation in Fiscal Year 1991/1992, that county's plan will be considered again when county plans are approved for Fiscal Year 1992/1993.

An additional limitation imposed by statute is a \$20 million ceiling on the funds available for family preservation during Fiscal Year 1991/1992. After the existing family preservation counties are funded, there will be approximately \$3,000,000 to \$6,000,000 remaining to fund the counties selected to implement the program in Fiscal Year 1991/1992. Given these constraints, the SDSS will carefully review all county plans and give priority to those plans that emphasize services to children served by the county welfare department.

Statute also requires that each county wishing to initiate a family preservation program must provide five years of foster care data to project AFDC-FC General Fund expenditures which, in turn, will be used to calculate the amount to be advanced for family preservation services. Since this requirement is clearly stated in statute, the SDSS is unable to waive it or to accept estimates of foster care expenditures. Counties should make certain when preparing their family preservation plans that the foster care data from which the advance will be calculated reflects expenditures accurately. Inaccurate foster care data may result in a county's being required to share in cost overages.

Because the foster care data is critical to the review and approval of the county's family preservation plan, it must be included with the county plan. The foster care data submitted must include the State share of the AFDC-FC General Fund costs for the most recent five year period (Fiscal Years 1986/1987 through the most current month available). The cost data must be provided on a month-by-month basis with the expenditures for both dependents and wards separately provided (see attached example of foster care data format). The foster care data must also display federal and non-federal cases and expenditures separately. Please note that the foster care data requested is not available from the SDSS's Foster Care Information System.

The SDSS will continue to require a Memorandum of Understanding (MOU) between the county and SDSS for participation in this program. However, since family preservation is no longer a demonstration project, the MOU has been modified to reflect the change in status from demonstration project to that of an optional component of Child Welfare Services. Counties selected to participate will be asked to provide both a Board of Supervisors Resolution which authorizes the county to provide family preservation services and the attached MOU signed by the Board of Supervisors. The MOU will be effective until family preservation requirements can be incorporated into Division 30 of the Manual of Policies and Procedures.

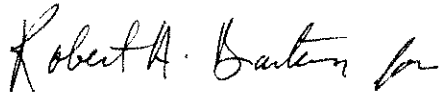
If your county wishes to seek an advance of AFDC-FC funds to initiate family preservation services on April 1, 1992, please submit your plan following the format provided and return the completed plan by February 14, 1992 to the address below.

Beth Hardesty Fife, Acting Chief
Family and Children's Services Branch
State Department of Social Services
744 P Street, MS 9-100
Sacramento, CA 95814

Plans for implementation which propose a start date after April 1, 1992 will be accepted on a flow basis. However, to avoid a continuous time study process, counties should plan to begin their program at the start of a calendar quarter. If your county plans to implement later than the first day of the quarter, please contact the SDSS Fiscal Policy and Procedures Bureau, at (916) 657-3440, for Time Study instructions.

If you have any questions or need further information, please contact either Ms. Fife or Mr. Robert Green at (916) 657-2030.

Sincerely,



LOREN D. SUTER
Deputy Director
Adult and Family Services

Enclosure

cc: County Welfare Director's Association

EXAMPLE FOSTER CARE DATA

FOSTER CARE EXPENDITURES

PRINT DATE: 01/03/92

SECTION 1. SHARE & PERCENTAGE SUMMARY

FISCAL YEAR	TOTAL DPSS FOSTER CARE			FEDERAL SHARE FOSTER CARE			STATE SHARE FOSTER CARE			COUNTY SHARE FOSTER CARE		
	FED	N-FED	TOTAL	FED	N-FED	TOTAL	FED	N-FED	TOTAL	FED	N-FED	TOTAL
JUL 86	264,172	238,944	503,116	132,086	0	132,086	125,482	226,997	352,479	6,604	11,947	18,552
AUG 86	287,437	205,965	493,402	143,719	0	143,719	136,533	195,667	332,199	7,186	10,298	17,484
SEP 86	313,838	216,663	530,501	156,919	0	156,919	149,073	205,830	354,903	7,846	10,833	18,679
OCT 86	306,186	249,886	556,072	153,093	0	153,093	145,438	237,392	382,830	7,655	12,494	20,149
NOV 86	316,136	248,402	564,538	158,068	0	158,068	150,165	235,982	386,147	7,903	12,420	20,324
DEC 86	294,040	262,091	556,131	147,020	0	147,020	139,669	248,986	388,655	7,351	13,105	20,456
JAN 87	305,007	271,214	576,221	152,504	0	152,504	144,878	257,653	402,532	7,625	13,561	21,186
FEB 87	317,213	275,940	593,153	158,607	0	158,607	150,676	262,143	412,819	7,930	13,797	21,727
MAR 87	347,145	285,575	632,720	173,573	0	173,573	164,894	271,296	436,190	8,679	14,279	22,957
APR 87	332,936	294,652	627,588	166,468	0	166,468	158,145	279,919	438,064	8,323	14,733	23,056
MAY 87	337,250	301,514	638,764	168,625	0	168,625	160,194	286,438	446,632	8,431	15,076	23,507
JUN 87	381,129	286,930	668,059	190,565	0	190,565	181,036	272,584	453,620	9,528	14,347	23,875
87 TOTAL	3,802,489	3,137,776	6,940,265	1,901,245	0	1,901,245	1,806,182	2,980,887	4,787,069	95,062	156,889	251,951
MONTHLY AVG	\$316,874	\$261,481	\$578,355	\$158,437	\$0	\$158,437	\$150,515	\$248,407	\$398,922	\$7,922	\$13,074	\$20,996

INCLUDE
PROBATION
DATA

FAMILY PRESERVATION SERVICES CASE INFORMATION

COUNTY _____

STATUS Initial Referral _____ Re-Entry _____ Update _____

Date of Entry/Re-entry to FPS (month/day/year) ____/____/____

1. Child's Name.....
Last name (PLEASE PRINT) First name M.I.

2. Child's Case Number.....

3. Family Case Number (if different from child's).....

4. Child's Birthdate (month/day/year).....

5. Child's Sex Male = 1 Female = 2 (Enter selected code).....

6. Child's Ethnic Origin (Enter selected code).....

01 - White	05 - Amer. Indian/Alaskan Native	09 - Korean	13 - Asian Indian
02 - Hispanic	06 - Chinese	10 - Samoan	14 - Vietnamese
03 - Black	07 - Filipino	11 - Hawaiian	15 - Laotian
04 - Not in Use	08 - Japanese	12 - Guamanian	16 - Cambodian
			17 - Other Asian/Pac Islander (please specify) _____

7. Type of Case at Acceptance into FPS (Enter selected code).....

1 - Voluntary Placement (Section 330)	3 - Dependent Removed from Home	5 - Status Offender (Section 601)
2 - Voluntary Family Maintenance (Section 330)	4 - Dependent Still at Home	6 - Criminal Law Violator (Section 602)

8. What was Placement at this Entry into FPS? (Enter Selected code).....

1 - Family	3 - Foster Family Home	5 - Guardian	7 - Medical Facility
2 - Relative	4 - Foster Family Agency	6 - Group Home	

9. Date of Termination from FPS (month/day/year) ____/____/____

10. At Termination of FPS Services: (Enter selected code).....

Child is at home = 1 Child is in out-of-home placement = 2

11. a. At 6 month follow-up, is child at home? (Enter selected code).....

Yes = 1 No = 2

b. If child is in out-of-home care, enter the date the in-home placement was terminated ____/____/____

c. If child is in out-of-home care, what was the placement? (Enter selected code).....

1 - Not in Use	3 - Foster Family Home	5 - Guardian	7 - Medical Facility
2 - Relative	4 - Foster Family Agency	6 - Group Home	

12. a. At 12 month follow-up, is child at home? (Enter selected code).....

Yes = 1 No = 2

b. If child is in out-of-home care, enter the date the in-home placement was terminated ____/____/____

c. If child is in out-of-home care, what was the placement? (Enter selected code).....

1 - Not in Use	3 - Foster Family Home	5 - Guardian	7 - Medical Facility
2 - Relative	4 - Foster Family Agency	6 - Group Home	

Name of person completing this form _____

Telephone number _____

REPORT ON FAMILY PRESERVATION SERVICES

Form SOC 422 (9/91)

CONTENT

The Family Preservation Services Case Information form is designed to gather selected information on cases terminated from Family Preservation Services (FPS). These services are provided to children in accordance with Welfare and Institutions Code 16500.5 — 16500.65.

PURPOSE:

The data will provide information on the children and families to whom Family Preservation Services were provided. It will also provide information to administrative and program personnel within DSS, County Welfare Departments, and other interested agencies and persons.

DISTRIBUTION

Reports to the Legislature concerning this program are required by Statute. Summaries of the information may be made available to interested agencies and/or persons.

DUE DATE:

Counties providing Family Preservation Services are required to submit reports to DSS. Submit one copy of the report for each child to:

Department of Social Services
Statistical Services Bureau
744 P Street, M.S. 19-81
Sacramento, CA 95814

A form must be completed and submitted for each child a minimum of three times (after termination of initial referral, at 6 month follow-up, and at 12 month follow-up). The number of documents submitted will increase if the case becomes a re-entry into Family Preservation Services. The reports should be submitted to DSS once a quarter to report all activity during that time period.

INSTRUCTIONS FOR COMPLETING THE FAMILY PRESERVATION SERVICES CASE INFORMATION FORM:

County — Print the name of your County on the County line.

Status — A check mark must be placed at the top of the form to clearly identify the current case status. Enter the date of the activity.

1. For Initial Referral: Check Initial Referral. Complete Items 1-9.
2. For Re-Entry: Check Re-entry. Complete Items 1-9.
3. For 6 month follow-up: Check Update. Complete Items 1-4 and 11-12.
4. For 12 month follow-up: Check Update. Complete Items 1-4 and 13-14.

Date of Entry/Re-entry — Enter a two digit month, day and year.

1. Child's Name — Print the name of the child receiving FPS.
2. Child's Case Number — Enter the child's case number, plus a two digit person number as reported to FCIS.
3. Family Case Number — Enter the 14 digit county case number. (Only if different from the child's case number)
4. Child's Birthdate — Enter a two digit month, day and year.
5. Child's Sex — Male — 1; Female — 2.
6. Child's Ethnic Origin — Enter the code denoting the ethnic origin with which the child most closely identifies him/herself. If choosing Code 16, Other Asian/Pacific Islander, please specify the Island origin of the child.
7. Type of case at acceptance — Enter the appropriate 1 digit code.
 1. Voluntary Placement (Section 330) — In lieu of filing a petition or subsequent to dismissal of a petition already filed, and with consent of the minor's parent or guardian, undertake a program of supervision of the minor.
 2. Voluntary Family Maintenance FM (Section 330) — Families whose child is in potential danger of abuse, neglect, or exploitation, who are willing to accept services and participate in corrective efforts, and where it is safe for the child to remain in his/her home.
 3. Dependent: Removed From Home — The minor has been adjudicated a dependent of the court under W&I Code Section 300, and where the court has ordered the county welfare department to supervise while the minor is in out-of-home care.
 4. Dependent: Still At Home — The minor has been adjudicated a dependent of the court under W&I Code Section 300, and where the court has ordered the county welfare department to supervise while the child remains at home.
 5. Status Offender (Section 601) — The minor has been adjudicated a ward of the court under W & I Code Section 601.
 6. Criminal Law Violator (Section 602) — The minor has been adjudicated a ward of the court under W & I Code Section 602.

Placement at this entry into FPS — Enter the code denoting the child's placement upon this entry into the family preservation services program.

Date of termination from FPS — Enter the two digit month, day, year for the date the child was terminated from FPS.

10. At termination of FPS services is child at home or is child in out-of-home care? — Enter the appropriate code.

- a. At 6 month follow-up is child at home? — Enter the appropriate code.
- b. If the child is in out-of-home care — Enter the date the home placement was terminated (month/day/year).
- c. If child is in out-of-home care, what was the placement? — Enter the appropriate code.
- a. At 12 month follow-up is child at home? — Enter the appropriate code.
- b. If the child is in out-of-home care — Enter the date the home placement was terminated (month/day/year).
- c. If child is in out-of-home care, what was the placement? — Enter the appropriate code.

Name of person completing this form — Print the name of the person who has completed the form.

Telephone Number — Enter the telephone number of the person who has completed the form.

Exhibit B

COUNTY FAMILY PRESERVATION PLAN

I. PROGRAM GOALS

Describe your county's goals with respect to the Legislative intent of Chapters 91, and 868, Statutes of 1991 (Assembly Bills 948 and 546). Include in your description a discussion of how you intend to integrate the services provided under family preservation into your mainline Child Welfare Services Program.

II. TARGET POPULATION

A. Describe the population you plan to target for family preservation services in your county. Include the estimated numbers of children in each category that will receive the family preservation services during the first year. The categories are:

- Dependent children who are at home pursuant to Welfare and Institutions Code (WIC) Section 364.
- Dependent children removed from homes pursuant to WIC Section 361.
- Children who it is determined will probably soon be within the jurisdiction of the juvenile court pursuant to WIC Section 330.
- Children adjudged wards of the court pursuant to Sections 601 and 602. (A county must have State Department of Social Services (SDSS) approval to serve these children under this program. If you wish to serve this population, please complete VI. B. of this Plan.)
- Families of children subject to WIC Sections 726 and 727. (SDSS approval is required. Include details related to this population in VI. B. also.)
- Children who are determined to require out-of-home placement pursuant to Section 7572.5 of the Government Code. (SDSS approval is required. If you wish to serve this population, please complete VI. A. of this Plan.)

- Families of children who are determined to require mental health or substance abuse treatment pursuant to AB 546. If you wish to serve this population, please complete V. C. of this Plan.

- B. Provide a concise description of the population targeted for family preservation services in terms of the estimated prevalence of substance abuse and its impact; the percentage of the population receiving federal poverty level income; indicators of available affordable housing, unemployment rates and other relevant indicators of economic conditions existing in the area/population to be served.

III. REFERRAL AND ASSESSMENT PROCESS

Describe the process you propose for referring families for family preservation services. Discuss this process in terms of the intake criteria to be used to determine whether or not a family is eligible for referral to family preservation services and the means by which prioritization will be accomplished, if needed.

Specify the tool that will be used to assess the families with Section 330 children, if the county intends to serve this category of children. Also specify the assessment tools or criteria that will be used to make assessments of other families referred for family preservation. The "California Risk Assessment Curriculum for Child Welfare Services" available from the Child Welfare Training Project located at California State University at Fresno is recommended for this purpose.

Include the unit and staff responsible for each step of these processes.

IV. FAMILY PRESERVATION SERVICES

A. EXISTING SERVICES

Describe relevant existing services provided to families in your target population in the county. (If you will provide services to the special populations in VI. A and B of this plan, describe these services separately from the information you provide on other services to other populations.) Identify all frequently used service providers. Describe any barriers to providing these services to the target population. Describe how these barriers will be eliminated in order to maximize the use of existing services.

B. NEW SERVICES

What additional and/or expanded services will be provided with family preservation funds? (Do not include the services to special populations that are to be described under VI. A and B of this plan.)

C. SERVICES COORDINATION

How and on what schedule will family preservation services be woven into the fabric of other child welfare services?

V. SERVICE PROVIDERS

A. PROVISION OF SERVICES BY COUNTY WELFARE DEPARTMENT WORKERS

Discuss any family preservation services to be provided by county social workers. Describe in detail the rationale for using this staff (usually this will result in higher costs and, consequently, fewer services). Include an explanation of why it is cost effective and/or preferable to deliver these services with this staff. Include the numbers, classifications, educational levels and experience of these staff.

In your discussion, specify the number of any new county social worker positions to be used to provide these services and the amount of social worker time to be committed to direct services.

B. PURCHASE OF SERVICES

Counties may contract for services other than eligibility determinations and needs assessments. (See SDSS MPP Division 23-600 for information regarding contracting requirements.) Describe the purchase of direct services with family preservation funding.

If you have not selected a contractor(s), describe the selection process and the services to be provided. Also, include the rationale for contracting with each provider, name of provider (if available), services provided, qualifications of the staff that will provide services, terms of agreement, and method to be used for monitoring and evaluating services. Include in your plan how the county will ensure that all contractors maintain individual client case files in a format approved by the State. (Such files must be available to and open for inspections by designated State staff.)

If available, attach a copy of the proposed agreement between the county and each provider.

C. MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT

Describe the mental health treatment and substance abuse treatment, if any, to be provided to family preservation families. Include a discussion of how county mental health and substance abuse agencies will participate in identifying and developing these services. Specify approximately the amount of the advance to be expended for these services.

VI. SERVICES TO SPECIAL POPULATIONS

A. SERVICES TO SERIOUSLY EMOTIONALLY DISTURBED CHILDREN

Discuss any services that the county proposes to provide to children described in Government Code Section 7572.5. Specify how these children will be selected and approximately what amount from the advance will be expended for these services.

B. SERVICES TO CHILDREN WHO ARE THE RESPONSIBILITY OF THE PROBATION DEPARTMENT

Describe any services that the county proposes to provide to children who are the responsibility of the probation department. Explain how these services will differ from services currently provided to this population. Specify how these children will be selected and approximately what amount of the advance will be expended for these services. Show separately how much of that amount is proposed to be expended for probation department administrative costs.

VII. MONITORING ACTIVITIES

Describe how the county proposes to monitor family preservation services and how the county intends to evaluate the success of each service.

VIII. STAFF TRAINING

If planned, briefly describe training for staff participating in family preservation services. (Training for family preservation services is not required.) Identify the source and frequency of training. Outline the process used to determine training needs and potential benefits. Comment in detail about training or other preparation you anticipate needing to provide to staff not engaged in providing family preservation services.

IX. PROPOSED BUDGET

Please submit Exhibit A (attached) to show the anticipated budget for family preservation for the first year of services.

X. DATA COLLECTION

Describe the process the county will use to record and report all fiscal, client and other information required by the State. Please note that the submittal of accurate and timely Foster Care Information System (FCIS) and Family Preservation Case Information (CI) documents on family preservation children is essential to determining whether participating counties have met the statutory success criteria. This determination is critical for counties that wish to continue providing Family Preservation services after the first period for which calculations of penalty or savings is made. Discuss how the county will assure the timely and accurate submittal of these FCIS and CI documents.

Data and information requirements may include cooperation with a State-selected evaluator. Please include a statement regarding the county's willingness to cooperate with such an evaluation project.

XI. COUNTY LIAISON

Identify staff who will act as liaison to the State for the purpose of carrying out family preservation activities. If more than one such person is designated, specify the program or support areas for which they will be responsible.

Exhibit A

FAMILY PRESERVATION PROGRAM BUDGET PROJECTIONS

For the period beginning _____ and ending _____

	<u>STAFF</u>	<u>OVERHEAD</u>	<u>OTHER</u>	<u>TOTAL</u>
<u>COUNTY WELFARE DEPT.</u>	\$	\$	\$	

<u>PURCHASE OF SERVICE</u>	<u>CONTRACTS</u>		<u>OTHER</u>	<u>TOTAL</u>
	<u>STAFF</u>	<u>OVERHEAD</u>		
<u>Other County Agencies</u> (<u>list agencies</u>)	\$	\$	\$	
<u>Private Agencies</u> (<u>list agencies and</u> <u>specify for each if it</u> <u>holds non-profit status</u>)	\$	\$	\$	

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE STATE DEPARTMENT OF SOCIAL SERVICES AND
THE _____ COUNTY DEPARTMENT OF SOCIAL SERVICES
FOR THE CONDUCT OF A FAMILY PRESERVATION PROGRAM

This Memorandum of Understanding is entered into between the State Department of Social Services, hereafter called the State, and the _____ County Department of Social Services, hereafter called the County, for the purpose of delineating roles and responsibilities under the Family Preservation Program as authorized by Chapters 868, and 91, Statutes of 1991.

The intent of the Family Preservation Program is to enable the County to offer a mix of conventional and innovative services to families to avoid or limit out-of-home placement of children. By enacting these Statutes, the Legislature and the Governor established a system of flexible reimbursement in order to evaluate its potential as an efficient, economical, and effective alternative to out-of-home placement of children.

I. COUNTY RESPONSIBILITIES

- A. The County agrees as evidenced by the attached Exhibit A, Board of Supervisors Resolution, to conduct the program in accordance with Exhibit B, the County Family Preservation Plan, which has been approved by the State and which is attached and made a part of this Memorandum by this reference.
- B. It is understood and agreed that the County shall meet the following program requirements which have been established by the State for counties participating in the Family Preservation programs.
 - 1. Transitional supportive services for children covered by Welfare and Institutions Code (WIC) Section 361 when they are returned to the family unit.
 - 2. Supportive family maintenance services for children covered by WIC Sections 330 and 364.
 - 3. Counseling and supportive services with the objective of eliminating the situation requiring intervention.
 - 4. Transitional supportive services (if part of County Family Preservation Plan approved by State) for children covered by WIC Sections 601, 602, 726 and 727 when they are returned to the family unit.

5. Supportive services to maintain the child in the home (if part of County Family Preservation Plan approved by the State) for children covered by WIC Sections 601, 602, 726 and 727.
 6. Services may include, but are not limited to the services specified in Sections WIC 16500.5, WIC 16506.1 and WIC 16507.1.
 7. For eligible families and children, services shall be tied to individual family need, as reflected in the service plan required by State Department of Social Services (SDSS) Manual of Policies and Procedures (MPP) Division 30.
 8. Services may be provided to children pursuant to WIC Section 330. For children eligible to receive services pursuant to WIC Section 330, Counties may use the risk assessment tool "California Risk Assessment Curriculum For Child Welfare Services" or a comparable assessment tool to determine eligibility for Family Preservation Program services. Services may also be provided to children pursuant to WIC Sections 361 and 364.
 9. The services to be provided by the County shall be delineated in the County Family Preservation Plan.
- C. The County shall develop criteria to determine which families and children can benefit from Family Preservation Program services. These criteria shall be approved by the State. To avoid potential financial risk to the County if cost savings are not achieved, only families and children who satisfy these criteria shall be eligible for Family Preservation Services.
- D. The County shall be permitted to contract for services other than eligibility determination and needs assessment with individuals or other private or public organizations in accordance with SDSS MPP Division 23-600.
- E. The County agrees to maintain and ensure that all contractors maintain individual client case files in a format approved by the State, and that such files shall be available to and open for inspection by designated State staff. The County agrees to monitor and evaluate the support services program of any contract.
- F. The County shall timely submit all data and information required by the State, including but not limited to fiscal and client case information.

- G. The County shall monitor, evaluate and report its findings to the State in accordance with the criteria, time frames and formats set by the State.
- H. Provide ongoing monitoring of all children in the Family Preservation Program to assure that the total program cost for services and placement expenditures do not exceed the State share of the County's AFDC-FC payment.
- I. Track separately, all Family Preservation Program cases, including the projected AFDC-FC rate (including supplemental care rate) which would have been paid had these services not been offered.
- J. The County agrees to make appropriate files available and to actively participate in State program and fiscal monitoring and evaluations. This will include, but is not limited to, a review and evaluation of the County's performance in relation to goals, adequacy of service delivery system and program costs/expenditures.

II. STATE RESPONSIBILITIES

- A. The State shall provide consultation and advice to the County in the development, implementation, monitoring and evaluation of the program.
- B. The State shall advance to the County quarterly an amount equal to one-fourth of the twenty five percent (25%) of the projected State's share of AFDC-FC funds to be expended by that County pursuant to subdivision (d) of WIC Section 11450.

III. TERM

The terms of this Memorandum of Understanding shall remain in effect until Family Preservation regulations are incorporated into the SDSS MPP, Division 30, and the State approves the County's Family Preservation Plan pursuant to procedures established in such regulations. However, either party may cancel this Memorandum of Understanding with 30 days written notice to the other party.

IV. FISCAL PROVISIONS

- A. Statute does not allocate any additional funds for the purposes of this program. The program is to be funded from a combination of County and State General Fund allocations for the AFDC-FC program and alternative funding sources at County discretion. The County may receive in advance an amount up to twenty five percent (25%) of the projected State share of AFDC-FC funds to be expended by that County pursuant to subdivision (d) of WIC Section 11450 for each fiscal/program year of the program in order to carry out this program. Administrative costs claiming shall be in accordance with the County's Cost Allocation plan and written instructions to be provided by the State Fiscal Policy and Procedures Bureau.
- B. The County shall be required to participate in the funding of this program under the following conditions:
1. If the County's total AFDC-FC General Fund expenditures added to the amount expended from the advance to the County exceeds by more than five percent (5%) the total projected AFDC-FC General Fund expenditures for that fiscal/program year, the County shall fund one hundred percent (100%) of the overage in excess of five percent (5%).
 2. The County's share of expenditures in excess of the projected total may be reduced upon approval of the State Department of Social Services and the Department of Finance based on consideration of any unanticipated factors which result in higher than projected AFDC-FC General Fund expenditures.
- C. If in any fiscal/program year the sum of the County's total AFDC-FC General Fund expenditures for their children, added to the amount expended from the advance to the County is less than the total projected AFDC-FC General Fund expenditures for children for that fiscal year, the County shall receive twenty-five percent (25%) of the savings.
- D. The County shall not expend more funds for supportive services than the amount which would be expended for placement in out-of-home care. The State will enforce and apply this control on a total County Child Welfare Services (CWS) caseload expenditure basis, rather than on a case-by-case basis. The caseload used for determining this control will be limited to CWS cases supervised by the County Public Welfare Department. The caseload subject to this expenditure control is hereafter referred to as Family Preservation Program cases.

- E. Funds used for program services shall supplement, not supplant, Child Welfare Services funds available for services under WIC Sections 16506.1 and 16507.1.
- F. If services are provided pursuant to Sections I.,B.,4 and 5 of this Memorandum of Understanding, the proportion of the funds used for Family Preservation services for families and children needing those services pursuant to WIC Sections 330, 361, and 364 shall be no less than the proportion of those children in the County's total foster care caseload.
- G. If in any fiscal/program year the County's expenditures from the advance authorized under the Family Preservation Program are less than the amount advanced, any remainder minus any savings due to the County shall be recouped by the State.
- H. The County shall submit a Family Preservation claim to the State at the same time as the regular AFDC-FC claim or in no case later than 30 days after the submission of the AFDC-FC claim.

V. GENERAL PROVISIONS

- A. This memorandum may be modified upon written concurrence of both the State and County.
- B. The State and County shall comply with all Federal and State requirements related to the confidentiality of information concerning individual clients in the evaluation of the program.
- C. Records shall be maintained in accordance with State and Federal regulations.
- D. The County agrees to defend, indemnify, and hold harmless the State, its officers, employees and agents, from any and all acts, claims, liabilities and losses by whomever asserted arising out of acts or omissions of the County in the performance of the scope of work except those arising by reason of the sole negligence of the State, its officers, employees or agents.
- E. The State agrees to defend, indemnify and hold harmless the County, its officers, employees and agents, from any and all acts, claims, liabilities and losses by whomever asserted arising out of acts or omissions of the State in the performance of the scope of work except those arising by reason of the sole negligence of the County, its officers, employees and agents.

VI. PROGRAM EVALUATION:

A. The criteria used to evaluate the success of the program will include:

1. The program shall be deemed successful if at least 75 percent of the children receiving services remain in their own homes for six months after termination of services and if 60 percent remain at home one year after services are terminated.
 2. For children in foster care at the time of services, the program shall be deemed successful if the average length of stay for children receiving these services is 50 percent less than the average length of stay in out-of-home care of children who do not receive program services.
 3. Two years after the termination of Family Preservation services:
 - a. The average length of out-of-home stay of children selected to receive services under this section who, at the time of selection, are in out-of-home care, is 50 percent less than the average length of stay in out-of-home care for children in out-of-home care who do not receive services pursuant to this section.
- B. At least 60 percent of the children who were returned home pursuant to this section remain at home.

State Department of Social
Services

County Board
of Supervisors

Chief, Administrative Section
Contracts Bureau

Chairperson, County Board
of Supervisors

Date

Date

CHAPTER 91

An act to amend Sections 255, 260, 266, 267, and 268 of, to repeal and add Sections 257 and 265 of, and to add Section 274 to, the Health and Safety Code, to amend Sections 10100, 11322, 11322.2, 11460, 12301, 15200, 15204.2, 16500.5, 16500.55, 16501.5, and 18906.5 of, to add Sections 225.05, 881.5, 10101.1, 12309.5, 17000.5, and 17020 to, to add and repeal Sections 224 and 12301 of, to repeal Sections 15200 and 18917 of, to repeal and add Sections 10101, 12306, and 12309 of, and to add Chapter 12.9 (commencing with Section 18988) to Part 6 of Division 9 of, the Welfare and Institutions Code, relating to public social services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1991. Filed with
Secretary of State June 30, 1991.]

LEGISLATIVE COUNSEL'S DIGEST

AB 948, Bronzan. Public assistance: State and local realignment.

Under existing law, the Robert W. Crown California Children's Services Act, the State Department of Health Services administers a program of services for physically defective or handicapped persons under the age of 21 years, in cooperation with the federal government.

Existing law provides for the repayment, by the parents of a child receiving services under the California Children's Services Act, for those services.

This bill would, instead, provide for the payment of enrollment fees as a condition of receiving services under the California Children's Services Act, and would make conforming changes. By requiring counties to administer the collection of the enrollment fee, this bill would result in a state-mandated local program.

Existing law requires each county board of supervisors to annually appropriate a sum calculated according to the assessed valuation of property in the county for services for physically handicapped children in public schools, requires the state to appropriate money to the counties, authorizes each county board of supervisors to appropriate additional money for that purpose and requires the state to match that appropriation.

This bill would, instead, require the board of supervisors of each county to appropriate a sum of money for services to handicapped children equal to 25% of the actual expenditures for the county for the 1990-91 fiscal year, unless the State Department of Social Services certifies a smaller amount is needed to pay 25% of costs of the county's children's services program, and would specify that the state shall match the amount appropriated by the county, to the

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extent state funds are available for that purpose. To the extent this would increase county responsibilities for the administration of the program, this bill would result in a state-mandated local program.

Existing law requires with a total appropriation of county and state funds not exceeding \$250,000 and upon the expenditure of county funds equivalent to a county appropriation of \$.0002, the state department may use state appropriated funds for services under the California Children's Services Program deemed by the department to represent emergencies or cases where medical care cannot be delayed without great harm to the child. This bill would increase the total appropriation limitation to \$500,000, revise the county appropriation factor, and limit the authorization to use state funds to the extent state funds are available, would require county approval of the state use of the funds for that purpose, and would require county matching funds for that use.

Existing law requires the state to share with the counties the cost of the support of salaries for therapists for physically handicapped children at the rate of \$3 of state funds for each \$1 of county funds expended for that purpose.

This bill would revise that sharing ratio to \$1 state to \$1 county.

Existing law specifies that the state and the county shall share in the cost of the administration of the California Children's Services Program and requires the Director of Social Services to establish standards for the administration, staffing, and local operation of the children's services program.

This bill would require the director to establish minimum standards for the administration, staffing, and local implementation of the children's services program, and, commencing July 1, 1992, would specify that the state shall reimburse the counties for 50% of the amount required to meet state administrative standards for that portion of the county caseload which is ineligible for Medi-Cal to the extent state funds are available for that purpose.

The bill would require the State Department of Health Services to adopt emergency regulations to implement the California Children's Services Program.

Existing law provides for the institutionalization of minors in certain circumstances.

This bill, until January 1, 1997, would require the Health and Welfare Agency and the Youth and Adult Correctional Agency to report annually to the Legislature on welfare supervised and probation supervised foster care caseloads, and would require the Youth and Adult Correctional Agency to report to the appropriate committees of the Legislature on the number of commitments of minors during the previous year.

Existing law authorizes the county board of supervisors of a county to establish juvenile homes, ranches, camps, or forestry camps to which wards of the court may be committed.

This bill would provide that if, during any fiscal year in which the

county receives funding under this bill, the county reduces the capacity of its juvenile homes, ranches, camps, or forestry camps below the 1990-91 fiscal year capacity, and during the subsequent fiscal year there is an increase of commitments to the Youth Authority, the county shall pay the Youth Authority an amount related to the cost of state commitments. To the extent this would increase county responsibilities, this bill would result in a state-mandated local program.

Existing law provides that nothing in the statutes relating to public assistance programs shall mandate a county share of more than 25% of actual county expenditures for each year.

This bill would repeal that requirement, and would instead, require the state to share 70%, of the nonfederal costs of the child welfare program and the community services block grant, and would specify that the state's share of the nonfederal costs of county services block grant requirements shall be 70% of the actual costs, and would also limit state participation to the amount appropriated by the Legislature.

Existing law provides for the Aid to Families with Dependent Children (AFDC) program, through which qualified children are provided assistance for specified needs. The AFDC program is administered and partially funded by the counties, and is administered pursuant to regulations adopted by the State Department of Social Services.

Existing law provides, through the Greater Avenues for Independence Act of 1985 (GAIN) for an employment and training services program for AFDC recipients, which is administered by each county welfare department, in a manner consistent with regulations adopted by the State Department of Social Services.

This bill would provide that the state share of the nonfederal costs of the GAIN program shall be 70% of the actual county expenditures for that program or the amount appropriated by the Legislature, whichever is less.

Existing law specifies that foster care providers shall be paid under the AFDC-FC program on a per child per month rate in return for the care and supervision of the AFDC-FC child placed with them.

This bill would specify that nothing shall preclude a county from using a portion of its county funds to increase rates paid to family homes and foster family agencies within that county, and to make payments for specialized care increments to homes within that county, clothing expenses, or infant supplements, solely at the county's expense.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which, either through employment by the recipient, or by or through contract by the county, qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Counties are responsible for the administration of the IHSS program.

Under existing law, the state is required to pay from the General Fund the matching funds necessary to obtain federal social service funds, plus the cost of IHSS services which exceed the federal social services funds and state matching funds, with the exception that counties are required to contribute amounts equal to their contribution in the 1987-88 fiscal year.

This bill would repeal that requirement, and would specify that the state shall share in the cost of providing services under the IHSS program at the ratio of 65% state funding and 35% local funding, and would specify that for the period of July 1, 1992, to June 30, 1995, inclusive, the state's share of those costs shall be limited to the amount appropriated for that purpose in the annual Budget Act.

Under existing law, each county is required to submit a plan to the State Department of Social Services to show how it intends to keep the IHSS program expenditures within its annual allocation.

This bill would, commencing July 1, 1992, and until July 1, 1995, revise that procedure to authorize the State Department of Social Services to reallocate funds from existing appropriations to forestall any IHSS service reductions on a county-by-county basis and establishes priorities for service reductions for any year in which the county cannot keep its expenditures within its allocation and matching funds.

Existing law provides for the Aid to Families with Dependent Children program, through which qualified children and pregnant women are provided assistance for specified needs.

Existing law continuously appropriates money to the counties for a percentage of the cost of providing those benefits under the AFDC program.

This bill would revise the percentage of the continuing appropriation for state participation in the AFDC and AFDC-FC programs, and to the extent it increases the continuing appropriation for certain purposes, the bill would result in an appropriation.

Existing law provides that the state shall pay 83.3% of the nonfederal administrative costs of administering the payment of public assistance aid grants, except the AFDC program, for which the state shall pay 50% of the nonfederal administrative costs of administering that program, requires the state to pay 75% of the non-AFDC costs of child support collection and paternity determinations if the federal government does not provide funding, and provides that the state shall pay 50% of the nonfederal share of the cost of eligibility and nonservice staff development.

This bill would delete the provision relating to state payment of nonfederal administrative costs of administering the payment of public assistance grants and would specify that the state shall pay 70% of the nonfederal administrative costs of administering AFDC grants, and that the state shall pay 70% of the nonfederal share of the cost of eligibility and nonservice staff development.

Existing law provides for the allocation of state and federal funds

to counties to provide child welfare services including Aid to Families with Dependent Children-Foster Care services (AFDC-FC).

Existing law provides for a 2-year program permitting 3 participating counties, and upon approval of the State Department of Social Services, up to 15 counties, to claim, on an annual basis, a prescribed portion of the state's share of that county's AFDC-FC General Fund expenditures in advance if the county shows that it will conduct a program of family reunification and family maintenance services for families whose children are in danger of out-of-home placement, under specified conditions, who probably would be within the jurisdiction of the court under specified conditions, or who could be returned to their families with the provision of services. If a county's total expenditures, added to the amount expended from the advance to the county, exceeds its total projected AFDC-FC General Fund expenditures by 5% or less, the county shall share in funding the overage at a 25%/75% county/state and federal ratio, and if it exceeds its total projected AFDC-FC General Fund expenditures by more than 5%, it shall fund the overage on a 100% basis, except that the county's share of the excess may be reduced based on consideration of any unanticipated factors.

Existing law also provides for a program in Contra Costa County subject to these same provisions, except that it may include children adjudged to be wards of the court under specified conditions.

This bill would delete references to a 3-county, 2-year program, as well as an expanded 15-county, 2-year program, thus making it a permanent, statewide program.

This bill would also permit counties to establish family preservation programs that serve one or more geographic areas of the county.

Existing law requires the counties to administer the federal Food Stamp Program, and continuously appropriates to each county 50% of the nonfederal costs of administering the program.

This bill would repeal the continuing appropriation and would specify that the state shall pay 70% of the nonfederal costs of the Food Stamp Program.

Existing law requires counties to provide assistance benefits to eligible indigent persons.

This bill would authorize county boards of supervisors to adopt a general assistance standard of aid that is 62% of the 1991 federal official poverty line and to adjust that standard according to AFDC adjustments and would specify that it shall constitute a sufficient standard of aid.

The bill would authorize any county to submit to the Director of Social Services a request for a waiver from existing state regulations that impact programs administered by the State Department of Social Services and would authorize a county to appeal any negative decision to the Secretary of the Health and Welfare Agency.

This bill would provide that it would become inoperative if certain condition regarding state mandates or the character of certain tax proceeds occur.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 255 of the Health and Safety Code is amended to read:

255. The department shall establish uniform standards of financial eligibility for treatment services under the California Children's Services Program, including a uniform formula for the repayment for services rendered by the program. Financial eligibility for treatment services under this program shall be limited to persons in families with an adjusted gross income of forty thousand dollars (\$40,000) or less in the most recent tax year, as calculated for California state income tax purposes. However, the director may authorize treatment services for persons in families with higher incomes if the estimated cost of care to the family in one year is expected to exceed 20 percent of the family's adjusted gross income.

Necessary medical therapy treatment services under the California Children's Services Program rendered in the public schools shall be exempt from financial eligibility standards and enrollment fee requirements for such services when rendered to any handicapped child whose educational or physical development would be impeded without such services.

All counties shall use the uniform standards for financial eligibility and enrollment fees established by the department. All enrollment fees shall be used in support of the California Children's Services Program.

SEC. 2. Section 257 of the Health and Safety Code is repealed.

SEC. 3. Section 257 is added to the Health and Safety Code, to read:

257. (a) Beginning September 1, 1991, in addition to any other standards of eligibility pursuant to this article, each family with a child otherwise eligible to receive services under this article shall pay an annual enrollment fee as a requirement for eligibility for services, except as specified in subdivision (f).

(b) The department shall determine the annual enrollment fee, which shall be a sliding fee scale based upon family size and income,

and shall be adjusted by the department to reflect changes in the federal poverty level.

(c) "Family size" shall include the child, his or her natural or adoptive parents, siblings, and other family members who live together and whose expenses are dependent upon the family income.

(d) "Family income" for purposes of this article, shall include the total gross income, or their equivalents, of the child and his or her natural or adoptive parents.

(e) Payment of the enrollment fee is a condition of program participation. The enrollment fee is independent of any other financial obligation to the program.

(f) The enrollment fee shall not be charged in any of the following cases:

(1) The only services required are for diagnosis to determine eligibility for services, or are for medically necessary therapy pursuant to Section 255.3.

(2) The child is otherwise eligible to receive services and is eligible for full Medi-Cal benefits at the time of application or reapplication.

(3) The family of the child otherwise eligible to receive services under this article has a gross annual income of less than 200 percent of the federal poverty level.

(g) Failure to pay or to arrange for payment of the enrollment fee within 60 days of the due date shall result in disenrollment and ineligibility for coverage of treatment services 60 days after the due date of the required payment.

(h) The county shall apply the enrollment fee scale established by the department and shall collect the enrollment fee. The county may arrange with the family for periodic payment during the year if a lump-sum payment will be a hardship for the family. The agency director of California Children's Services may, on a case-by-case basis, waive or reduce the amount of a family's enrollment fee if, in the director's judgment, payment of the fee will result in undue hardship.

(i) By thirty days after the effective date of this section or August 1, 1991, whichever is later, the department shall advance to each county, as a one-time startup amount, five dollars and fifty cents (\$5.50) for each county child who was receiving services under this article on June 30, 1990, and who was not a Medi-Cal beneficiary. This one-time payment shall be in addition to the 4.1 percent of the gross total expenditures for diagnoses, treatment and therapy by counties allowed under subdivision (c) of Section 268.

(j) Each county shall submit to the state, as part of its quarterly claim for reimbursement, an accounting of all revenues due and revenues collected as enrollment fees.

SEC. 4. Section 260 of the Health and Safety Code is amended to read:

260. When the department provides, or arranges for the provision of, services to physically handicapped children directly, as in the case of nonresident physically handicapped children, it shall enter into an agreement with parents, guardians or persons responsible for the care of handicapped children for payment of the enrollment fee.

SEC. 5. Section 265 of the Health and Safety Code is repealed.

SEC. 6. Section 265 is added to the Health and Safety Code, to read:

265. (a) (1) Annually, the board of supervisors shall appropriate a sum of money for services for handicapped children of the county, including diagnosis, treatment, and therapy services for physically handicapped children in public schools, equal to 25 percent of the actual expenditures for the county program under this article for the 1990-91 fiscal year, except as specified in paragraph (2).

(2) If the state certifies that a smaller amount is needed in order for the county to pay 25 percent of costs of the county's program from this source. The smaller amount certified by the state shall be the amount which the county shall appropriate.

(b) In addition to the amount required by subdivision (a), the county shall use an amount equal to the amount determined pursuant to subdivision (a) for purposes of this article.

(c) The state shall match county expenditures for this article from funding provided pursuant to subdivisions (a) and (b).

(d) The county may appropriate and expend moneys in addition to those set forth in subdivision (a) and (b) and the state shall match the expenditures, on a dollar-for-dollar basis, to the extent that state funds are available for this article.

(e) Nothing in this section shall require the county to expend more than the amount set forth in subdivision (a) plus the amount set forth in subdivision (b) nor shall it require the state to expend more than the amount of the match set forth in subdivision (c).

SEC. 7. Section 266 of the Health and Safety Code is amended to read:

266. (a) For those counties with a total appropriation of county and state funds not exceeding five hundred thousand dollars (\$500,000) and upon the expenditure of county funds equivalent to a county appropriation pursuant to Section 265, the state department may, to the extent funds are available and with the approval of the county, from state-appropriated funds matched on an equal basis with the counties pay for services for cases deemed by it to represent emergencies or cases where medical care cannot be delayed without great harm to the child.

(b) After July 1, 1991, any program change which would expand California Children's Services Program eligibility or benefits shall be developed in consultation with state, county, and provider representatives and shall take into account county needs and resources.

SEC. 8. Section 267 of the Health and Safety Code is amended to read:

267. The designated county agency shall administer the medical-therapy program in local public schools for physically handicapped children. As provided in Section 265, the state and counties will share in the cost of support of therapist salaries in these schools in the ratio of one dollar (\$1) of state funds reimbursed quarterly to one dollar (\$1) of county funds. The director shall establish standards for the maximum number of therapists employed in the schools eligible for state financial support in this program, the services to be provided, and the county administrative services subject to reimbursement by the state.

SEC. 9. Section 268 of the Health and Safety Code is amended to read:

268. (a) The state and the counties shall share in the cost of administration of the California Children's Services Program at the local level.

(b) (1) The director shall adopt regulations establishing minimum standards for the administration, staffing, and local implementation of this article subject to reimbursement by the state.

(2) The standards shall allow necessary flexibility in the administration of county programs, taking into account the variability of county needs and resources, and shall be developed and revised jointly with state and county representatives.

(c) The director shall establish minimum standards for administration, staffing and local operation of the program subject to reimbursement by the state.

(d) Until July 1, 1992, reimbursable administrative costs, to be paid by the state to counties, shall not exceed 4.1 percent of the gross total expenditures for diagnosis, treatment and therapy by counties as specified in Section 265.

(e) Beginning July 1, 1992, this subdivision shall apply with respect to all of the following:

(1) Counties shall be reimbursed by the state for 50 percent of the amount required to meet state administrative standards for that portion of the county caseload under this article which is ineligible for Medi-Cal to the extent funds are available in the state budget for the California Children's Services Program.

(2) On or before September 15 of each year, each county program implementing this article shall submit an application for the subsequent fiscal year which provides information as required by the state to determine if the county administrative staff and budget meet state's standards.

(3) The state shall determine the maximum amount of state funds available for each county from state funds appropriated for CCS county administration. If the amount appropriated for any fiscal year in the Budget Act for county administration under this article differs from the amounts approved by the department, each county shall

submit a revised application in a form and at the time specified by the department.

(e) The state department and counties shall maximize the use of federal funds for administration, of the programs implemented pursuant to this article, including using state and county funds to match funds claimable under Title 19 of the Social Security Act.

SEC. 9.5. Section 274 is added to the Health and Safety Code, to read:

274. The department shall adopt regulations to implement the amendments of the provisions of this article in 1991. The adoption of the regulations shall be deemed to be an emergency, and necessary for the immediate preservation of the public peace, health, safety, and general welfare.

SEC. 10. Section 224 is added to the Welfare and Institutions Code, to read:

224. (a) To ensure maintenance of effort on current child welfare, mental health, and probation programs, and the avoidance of inappropriate reliance on institutionalized care, the Health and Welfare Agency and the Youth and Adult Correctional Agency shall, until January 1, 1997, report annually to the appropriate committees of the Legislature as specified in subdivision (b).

(b) The Health and Welfare Agency shall report annually to the Legislature data on welfare supervised and probation supervised foster care caseloads, which shall include, but not be limited to, all of the following:

(1) The number of cases opened during the year and the percentage of increase or decrease over the previous year.

(2) The number of minors in foster family homes, in group homes, and in other facilities and the percentage of increase or decrease over the previous year.

(3) The number of minors in out-of-county and out-of-state placements and the percentage of increase or decrease over the previous year.

(4) The number of families receiving voluntary, in-home, supervision and the percentage of increase or decrease of those caseloads over the previous year.

(5) The number of minors reunified with their families, the number of terminations, the number of children receiving family preservation services pursuant to Section 16500.5, the number of adoptions, and the number of cases closed for other reasons.

(6) The number of minors, including those adjudicated pursuant to Sections 300 and 600 and those minors who were not so adjudicated, who were placed in state hospitals and private psychiatric facilities and the percentage of increase or decrease over the previous year.

(7) When available, the number of minors in foster care who have been in foster care previously.

(8) When available, the number of minors who have been

referred to the Emergency Response program previously and the number of previous referrals for these minors.

(9) The average length of stay of minors in out-of-home placements.

(c) The Youth and Adult Correctional Agency shall, utilizing any available information, including, but not limited to, data supplied by the Department of Justice and the Chief Probation Officers Association, report annually to the appropriate committees of the Legislature on all of the following:

(1) The number of minors adjudicated as court wards pursuant to Sections 601 and 602 and the percentage of increase or decrease over the previous year.

(2) The number of minors committed to Department of the Youth Authority facilities during the year, the commitment offenses by category, both felony and misdemeanor, and the percentage of increase or decrease by category over the previous year.

(3) The number of minors rejected for commitment by the Department of the Youth Authority pursuant to Section 736 and the percentage of increase or decrease over the previous year.

(4) The number of court wards in county juvenile halls, camps, and ranches and the percentage of increase or decrease over the previous year.

(5) The average length of stay for placements in juvenile halls, camps and ranches, and Department of the Youth Authority facilities.

(d) This section shall remain in effect only until January 1, 1997, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1997, deletes or extends that date.

SEC. 11. Section 225.05 is added to the Welfare and Institutions Code, to read:

225.05. (a) The Department of the Youth Authority shall convene a task force to identify and recommend methods of achieving better coordination of, and savings, in the continuum of correctional, rehabilitative, and preventive services for youthful offenders, including status offenders adjudicated pursuant to Section 601 and delinquents adjudicated pursuant to Sections 602 and 707. The department shall report on the findings and recommendations of the task force to the Legislature no later than January 15, 1992.

(b) The task force shall develop recommendations for achieving the following:

(1) The use of local community corrections options, including innovative methods of providing delinquency prevention and treatment programs.

(2) Innovative, intensive programs for wards committed to the Department of the Youth Authority facilities.

(3) Coordination with state and local programs which provide treatment and services to youthful offenders.

(4) Restructuring current state and local juvenile justice funding

mechanisms in order to provide fiscal and program incentives for the utilization of local juvenile justice treatment and services, including, but not limited to, the utilization of a negotiated net amount or rate model pursuant to Section 5700 et seq., for payment of costs associated with commitment of wards to the Department of the Youth Authority facilities.

(c) The task force shall be composed of persons knowledgeable in delinquency prevention programs, juvenile justice issues, and alternative juvenile justice models, including representatives of the Department of the Youth Authority, the State Department of Social Services, the Chief Probation Officers Association, the County Supervisors Association of California, the County Welfare Directors Association, the Juvenile Court Judges of California, and county and private nonprofit agencies involved with juvenile justice services. In developing its recommendations, the task force shall consult with representatives of providers of group home care for delinquent minors.

SEC. 12. Section 881.5 is added to the Welfare and Institutions Code, to read:

881.5. (a) If, during the 1991-92 fiscal year, a county receives funds pursuant to Section 17602, the county reduces the capacity of its juvenile homes, ranches, camps, or forestry camps below the capacity for those facilities during the 1990-91 fiscal year, and if during the 12-month period subsequent to the month of reduction, or any subsequent 12-month period, there is an increase of commitments from the county's juvenile court to the Department of the Youth Authority above the number of the commitments during the 1990-91 fiscal year, the county shall contribute to the Department of the Youth Authority an amount equivalent to the actual cost, as determined by the Department of the Youth Authority, of increasing capacity to the fiscal year 1990-91 level or by an amount equal to the increase in commitments from the juvenile court to the Department of the Youth Authority, whichever is more. Any reduction shall be applied to the next payment or payments to which the county is otherwise entitled.

(b) Any county that provides juvenile home, ranch, or camp space to another county pursuant to contract shall not have its entitlement reduced pursuant to this section if it reduces its capacity based on a reduction in the amount of space provided pursuant to the contract.

(c) This section shall not be applicable to a reduction in capacity occurring as a result of an act of God.

(d) This section shall not apply to the County of Alameda if its board of supervisors adopts a resolution on or before June 26, 1991, stating its intent to close a juvenile camp prior to September 1, 1991.

(e) As used in this section, "juvenile home, ranch, camp, or forestry camp" means those facilities established pursuant to Article 24 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code.

SEC. 13. Section 10100 of the Welfare and Institutions Code is amended to read:

10100. It is the intent of the Legislature that counties shall continue to provide matching funds for county-administered social services programs as these programs are defined by Sections 12251 and 16501 and other services to be provided in accordance with Section 10102.

Nothing in this section shall be construed to affect any matching requirement established upon each county pursuant to Section 12306.

SEC. 14. Section 10101 of the Welfare and Institutions Code is repealed.

SEC. 15. Section 10101 is added to the Welfare and Institutions Code, to read:

10101. For the 1991-92 fiscal year and each fiscal year thereafter, the state's share of the costs of the child welfare program shall be 70 percent of the actual nonfederal expenditures for the program or the amount appropriated by the Legislature for that purpose, whichever is less.

SEC. 16. Section 10101.1 is added to the Welfare and Institutions Code, to read:

10101.1. For the 1991-92 fiscal year and each fiscal year thereafter, the state's share of the costs of the county services block grant requirements shall be 70 percent of the actual nonfederal expenditures or the amount appropriated by the Legislature for that purpose, whichever is less.

SEC. 17. Section 11322 of the Welfare and Institutions Code is amended to read:

11322. (a) The county welfare department shall submit to the department a program budget proposal in conjunction with the administrative cost control plan for Aid to Families with Dependent Children, Medi-Cal, and Food Stamp programs. The budget proposal shall specify the costs associated with providing the range of services included in the county plan in the most cost-effective manner. The budget proposal shall identify the amount of funds expected to be spent for each component and shall provide supporting detail regarding the caseloads anticipated in each component and the amount to be spent for (1) county employees, by classification, (2) administrative support and overhead, and (3) contracted services and support.

(b) Prior to final approval of the county's budget proposal, the department shall notify each county of the amount of its allocation of funds to carry out the plan and the assumptions used to develop that allocation. If the allocation is less than the amount of funds that the county proposed in the program budget, the department shall notify the county that the proposed program budget exceeds the funds available. The department shall specify how the costs proposed by the county exceed the costs used to develop the county's

allocation. The county may provide any additional documentation to justify the higher funding level. If, after reviewing the additional information, the department finds that the proposed program costs are not reasonable or cost-effective, the county shall submit the necessary revisions to its program budget to keep program expenditures within the amount of its allocation.

(c) The state share of the nonfederal costs of the Greater Avenues of Independence program shall be 70 percent of the actual nonfederal expenditures for that program or the amount appropriated by the Legislature for that purpose, whichever is less.

SEC. 18. Section 11322.2 of the Welfare and Institutions Code is amended to read:

11322.2. (a) Counties shall continually monitor their program expenditures throughout the fiscal year. If a county determines that its anticipated expenditures will exceed the amount of that year's allocations as a result of an unexpected event, including caseload increases, court cases, or significant justifiable increases in component costs, the county shall immediately notify the department and submit a revised plan.

(b) Counties shall achieve cost reductions pursuant to a revised plan required by subdivision (a), primarily by reducing the number of participants in the program in a manner consistent with Section 11322.4. Counties may make program efficiencies to the extent those reductions do not threaten the guarantee of services as required by subdivision (b) of Section 11321.2. In its review, the department shall ensure that any efficiencies do not create an effective barrier to participation on the part of current or future clients.

(c) The state share of the nonfederal costs of the Greater Avenues of Independence program shall be 70 percent of the actual nonfederal expenditures for that program or the amount appropriated by the Legislature for that purpose, whichever is less.

SEC. 19. Section 11460 of the Welfare and Institutions Code is amended to read:

11460. (a) Foster care providers shall be paid a per child per month rate in return for the care and supervision of the AFDC-FC child placed with them. The department is designated the single organizational unit whose duty it shall be to administer a state system for establishing rates in the AFDC-FC program. State functions shall be performed by the department or by delegation of the department to county welfare departments.

(b) "Care and supervision" includes food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, and reasonable travel to the child's home for visitation.

(1) For a child placed in a group home, care and supervision shall also include reasonable administration and operational activities necessary to provide the items listed in this subdivision.

(2) For a child placed in a group home, care and supervision may

also include reasonable activities performed by social workers employed by the group home provider which are not otherwise considered daily supervision or administration activities.

(c) It is the intent of the Legislature to establish a standardized schedule of rates for group homes, effective July 1, 1990.

(d) Group home rates effective between July 1, 1989, and June 30, 1990, shall be set using current regulations and policies of the department.

(e) A foster care provider that accepts payments, following the effective date of this section, based on a rate established under this section, shall not receive rate increases or retroactive payments as the result of litigation challenging rates established prior to the effective date of this section. This shall apply regardless of whether a provider is a party to the litigation or a member of a class covered by the litigation.

(f) Nothing shall preclude a county from using a portion of its county funds to increase rates paid to family homes and foster family agencies within that county, and to make payments for specialized care increments, clothing allowances, or infant supplements to homes within that county, solely at that county's expense.

SEC. 20. Section 12301 of the Welfare and Institutions Code is amended to read:

12301. (a) The intent of the Legislature in enacting this article is to provide supplemental or additional services to the social and rehabilitative services in Article 6 (commencing with Section 12250) of this chapter. The Legislature further intends that necessary in-home supportive services shall be provided in a uniform manner in every county based on individual need consistent with this chapter, in the absence of alternative in-home supportive services provided by an able and willing individual or local agency at no cost to the recipient, except as required under Section 12304.5. An able spouse who is available to assist the recipient shall be deemed willing to provide at no cost any services under this article except nonmedical personal services and paramedical services. When a spouse leaves full-time employment or is prevented from obtaining full-time employment because no other suitable provider is available and where the inability of the provider to provide supportive services may result in inappropriate placement or inadequate care, the spouse shall also be paid for accompaniment when needed during necessary travel to health-related appointments and protective supervision.

(b) Each county shall be notified of its allocation and projected caseload by July 31 of each fiscal year, or 30 days after the enactment of the Budget Act, whichever occurs later, and shall submit a plan to the department within 30 days showing how the county intends to keep program expenditures under this article within the amount of its allocation.

(c) Each county shall report all of the following to the department

by August 31 of each year:

(1) Information on caseload, including the number of persons who receive 20 or more hours of personal services, between 18 and 20 hours of personal services, the number of persons receiving protective supervision, and the number of cases per age of recipient.

(2) An estimate of the impact on caseload and hours of service in the In-Home Supportive Services program in the current fiscal year from In-Home Supportive Services referrals made by any of the following programs:

(A) The new linkages program authorized by Chapter 1637 of the Statutes of 1984.

(B) Multipurpose senior service centers.

(C) Adult day health care centers.

(D) Diagnostically related groups and early hospital discharges.

(E) Preadmission screening.

(F) Reported adult abuse.

This estimate shall be based upon referrals from these programs made during the preceding fiscal year.

The county shall also report which methods of outreach are being utilized by the county regarding the availability of services under this article.

When a county does not have the capability of reporting on all cases specified under paragraphs (1) and (2) in a timely manner, the county may report to the department on the basis of a representative sample of cases.

The department shall consider using this information to develop its annual budget request or, should the department decide that a deficiency appropriation is necessary, any deficiency request.

(d) On or before January 10 of each year, the department shall submit a report to the Joint Legislative Budget Committee and the fiscal committees of both houses which includes a compilation by county of the data collected pursuant to paragraphs (1) and (2) of subdivision (c) and, by county (1) the amount allocated at the beginning of the fiscal year, (2) the amount expended during the first three months of the fiscal year, (3) an estimate of total fiscal year expenditures, (4) any reallocation of funds among counties, and (5) a list, by county, of any new programs under subparagraphs (A), (B), (C), and (E) of paragraph (2) of subdivision (c).

(e) This section shall remain operative until July 1, 1992, and on and after that date, shall remain inoperative until July 1, 1994, at which date, this section shall become operative.

SEC. 21. Section 12301 is added to the Welfare and Institutions Code, to read:

12301. (a) The intent of the Legislature in enacting this article is to provide supplemental or additional services to the social and rehabilitative services in Article 6 (commencing with Section 12250) of this chapter. The Legislature further intends that necessary in-home supportive services shall be provided in a uniform manner

in every county based on individual need consistent with the appropriation provided for those services in the annual Budget Act and this chapter, in the absence of alternative in-home supportive services provided by an able and willing individual or local agency at no cost to the recipient, except as required under Section 12304.5. An able spouse who is available to assist the recipient shall be deemed willing to provide at no cost any services under this article except nonmedical personal services and paramedical services. When a spouse leaves full-time employment or is prevented from obtaining full-time employment because no other suitable provider is available and where the inability of the provider to provide supportive services may result in inappropriate placement or inadequate care, the spouse shall also be paid for accompaniment when needed during necessary travel to health-related appointments and protective supervision.

(b) Each county shall be notified of its allocation and projected caseload by July 31 of each year or 30 days after enactment of the annual Budget Act, whichever occurs later, and shall submit a plan to the department within 30 days showing how the county intends to keep program expenditures under this article within the amount of its allocation.

(c) (1) The department may reallocate funds from the existing appropriation to forestall the requirement of any service reductions on a county-by-county basis.

(2) If, during any fiscal year, a county cannot keep expenditures within the amount of its allocation plus any required matching funds, the county may reduce services on the basis of a case-by-case assessment of each recipient's level of need and living situation, upon notification to the department of the county's intention to reduce services.

(d) (1) If a county elects to implement service reductions pursuant to subdivision (c), the levels shall be calculated to reduce services only by an amount which would enable the county to remain within its allocation, together with required matching funds.

(2) None of the service reductions authorized by this section may be made for applicants or recipients for whom the reduction of services would result in imminent out-of-home placement.

(e) Counties shall use the following priorities in the implementation of any needed program reductions:

(1) Reduction in the frequency with which nonessential services are provided.

(2) Elimination of nonessential service categories.

(3) Termination or denial of eligibility to persons requiring only domestic services.

(4) Termination or denial of eligibility to persons who, in the absence of services, would not require placement in a medical out-of-home care facility.

(5) Per capita reduction in the cost of services authorized.

(f) Any program reductions shall be implemented so as to avoid, to the extent feasible within budgetary constraints, out-of-home placements.

(g) Counties shall use the options authorized by subdivision (e) in the order they are listed therein. In no event shall services be terminated or denied to any eligible person who in the absence of such services would become unemployed.

(h) (1) For purposes of this section "nonessential services" means routine mending, ironing, heavy cleaning, domestic services, yard hazard abatement, except for snow removal, teaching and demonstration, and any other services specified by the department.

(2) Restrictions on nonessential services shall be excepted on a case-by-case basis when denial or termination of such services would result in placement in an out-of-home facility or in a loss of employment, in a life threatening situation in conditions which represent a substantial threat to health or safety, or in any other condition specified by the department.

(3) Essential services shall, at a minimum, include those services listed in subdivision (e) of Section 12304.

(i) The department shall notify the Joint Legislative Budget Committee and the fiscal committees of each house of the Legislature by January 10 of each year of any county which is required to implement service reductions pursuant to this section.

This section shall be effective from July 1, 1992, until June 30, 1994.

SEC. 22. Section 12306 of the Welfare and Institutions Code is repealed.

SEC. 23. Section 12306 is added to the Welfare and Institutions Code, to read:

12306. (a) The state and counties shall share the annual cost of providing services under this article as specified in this section.

(b) Except as provided in subdivision (c) the state shall pay to each county, from the General Fund and any federal funds available for that purpose 65 percent of the cost of providing services under this article, and each county shall pay 35 percent of the cost of providing those services.

(c) (1) For the period of July 1, 1992 to June 30, 1994, inclusive, the state's share of the cost of providing services under this article shall be limited to the amount appropriated for that purpose in the annual Budget Act.

(2) It is the intent of the Legislature that any deficiency required for 1991-92 for the In-Home Supportive Services program shall be offset against the amount appropriated for this program in the 1992-93 fiscal year. To the extent possible, any savings realized from implementation of the personal care option under the Federal Medicaid Program Title XIX of the Social Security Act (Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code) shall be used to offset any deficiency in the 1991-92 fiscal year the In-Home Supportive Services program.

SEC. 24. Section 12309 of the Welfare and Institutions Code is repealed.

SEC. 25. Section 12309 is added to the Welfare and Institutions Code, to read:

12309. (a) In order to assure that in-home supportive services are delivered in all counties in a uniform manner, the department shall develop a uniform needs assessment tool.

(b) (1) Each county shall, in administering this article, use the uniform needs assessment tool developed pursuant to subdivision (a) in collecting and evaluating information.

(2) For purposes of paragraph (1), "information" includes, but is not limited to, all of the following:

(A) The recipient's living environment.

(B) Alternative resources.

(C) The recipient's functional abilities.

(c) (1) The uniform needs assessment tool developed pursuant to subdivision (a) shall evaluate the recipient's functioning in activities of daily living and instrumental activities of daily living.

(2) The recipient's functioning shall be quantified, using the general hierarchical five-point scale for ranking each function, as specified in subdivision (d).

(d) The recipient's functioning ranks shall be as follows:

(1) Rank one. A recipient's functioning shall be classified as rank one if his or her functioning is independent, and he or she is able to perform the function without human assistance, although the recipient may have difficulty in performing the function, but the completion of the function, with or without a device or mobility aid, poses no substantial risk to his or her safety.

(2) Rank two. A recipient's functioning shall be classified as rank two if he or she is able to perform a function, but needs verbal assistance, such as reminding, guidance, or encouragement.

(3) Rank three. A recipient's functioning shall be classified as rank three if he or she can perform the function with some human assistance, including, but not limited to, direct physical assistance from a provider.

(4) Rank four. A recipient's functioning shall be classified as rank four if he or she can perform a function, but only with substantial human assistance.

(5) Rank five. A recipient's functioning shall be classified as rank five if he or she cannot perform the function, with or without human assistance.

SEC. 26. Section 12309.5 is added to the Welfare and Institutions Code, to read:

12309.5. (a) (1) The Secretary of Health and Welfare shall convene a working task force of representatives of the counties, client advocates, and other state departments as the secretary deems appropriate to the following ends:

(A) To recommend the proper role of the In-Home Supportive

Services program (IHSS) in the long-term care continuum, including, but not limited to, the following long-term care programs: Meals on Wheels, Congregate Meal Services, Multipurpose Senior Services Projects, Linkages, adult day health care, Alzheimer's day care respite programs, regional centers, Adult Protective Services, home health agencies, and other Medi-Cal funded services including acute hospitalizations and skilled nursing facilities.

(B) To explore the feasibility of using the uniform assessment tool developed pursuant to Section 12309 to determine an individual's functional level and need for long-term care services as a means of eliminative duplicative assessments.

(C) To maximize federal medicaid funds under subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code for community-based long-term care.

(D) To develop recommendations for coordination of all services in the long-term care continuum, including, but not limited to, pre- and post-admission screening for skilled nursing facilities, giving consideration to the approach utilized by the Linkages program, capitated long-term care systems, and the Multipurpose Senior Services Program.

(E) To make recommendations for improving the delivery of long-term care services in a manner which reduces the overall costs for long-term care and avoids placements in expensive and inappropriate institutions and the role IHSS would have in accomplishing these improvements.

(F) To review program policies and procedures to recommend IHSS program efficiencies and improvements.

(2) In performing the tasks listed in paragraph (1), the task force shall consult with employee and agency providers of long-term care services.

(b) The secretary shall report by January 31, 1992, to the chairs of the appropriate policy and fiscal committees of the Legislature on proposals for legislative action necessary to implement recommendations for IHSS program efficiencies and improvements.

(c) The secretary shall investigate the feasibility of maximizing federal funds by pursuing medicaid matching funds for the In-Home Supportive Services program as a personal care service, to the extent that it provides net revenue to the state. It is the intent that any federal funding acquired on this basis shall be first dedicated to defray the cost of any program deficiency in the In-Home Supportive Services program.

SEC. 27. Section 15200 of the Welfare and Institutions Code, as amended by Section 7 of Chapter 1294 of the Statutes of 1989, is amended to read:

15200. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, and after deducting available federal funds, the following sums:

(a) To each county for the support and maintenance of needy

children, 95 percent of the sums specified in subdivision (a), and paragraphs (1) and (2) of subdivision (e) of Section 11450.

(b) To each county for the support and maintenance of pregnant mothers, 95 percent of the sums specified in subdivisions (b) and (c) of Section 11450.

(c) To each county for the support and maintenance of needy children, 40 percent of the sum necessary for the adequate care of each child pursuant to subdivision (d) of Section 11450.

(d) To each county for the support and care of hard-to-place adoptive children, 75 percent of the nonfederal share of the amount specified in Section 16121.

(e) This section shall remain in effect only until July 1, 1995, or until two years after the implementation of the Child Welfare Services Case Management System as specified in Section 16501.5, whichever occurs last, and as of that date is repealed, unless a later enacted statute which is chaptered before July 1, 1990, or two years after the implementation of the Child Welfare Services Case Management System, deletes or extends that date.

SEC. 28. Section 15200 of the Welfare and Institutions Code, as amended by Section 8 of Chapter 1092 of the Statutes of 1987, is repealed.

SEC. 29. Section 15200 of the Welfare and Institutions Code, as amended by Section 19 of Chapter 1294 of the Statutes of 1989, is amended to read:

15200. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, and after deducting federal funds available, the following sums:

(a) To each county for the support and maintenance of needy children, 95 percent of the sums specified in subdivision (a), and paragraphs (1) and (2) of subdivision (e), of Section 11450.

(b) To each county for the support and maintenance of pregnant mothers, 95 percent of the sum specified in subdivisions (b) and (c) of Section 11450.

(c) For the adequate care of each child pursuant to subdivision (d) of Section 11450, as follows:

(1) For any county which meets the performance standards or outcome measures in Section 11215, an amount equal to 40 percent of the sum necessary for the adequate care of each child.

(2) For any county which does not meet the performance standards or outcome measures in Section 11215, an amount which shall not be less than 67.5 percent of one hundred twenty dollars (\$120), and multiplied by the number of children receiving foster care in the county, added to an additional twelve dollars and fifty cents (\$12.50) a month per eligible child.

(3) The department shall determine the percentage of state reimbursement for those counties which fail to meet the requirements of subparagraph (1) according to the regulations required by subdivision (b) of Section 11215.

(d) To each county for the support and care of hard-to-place adoptive children, 75 percent of the nonfederal share of the amount specified in Section 16121.

(e) The State Department of Social Services shall not implement any change in the current funding ratios to counties as a reimbursement for out-of-home care placement until the development of a new performance standard system. The State Department of Social Services shall notify the Department of Finance when the new performance standard system is developed and ready for implementation. The Department of Finance, pursuant to the provisions of Section 28 of the Budget Act, shall notify the Joint Legislative Budget Committee in writing of its intent to implement a new performance standard that would impact the counties' funding allocation. The notification shall include the text of the draft regulations to implement the performance standards. Any adjustment in the county funding allocation shall not be implemented sooner than 60 days after receipt and review of the new performance standard by the Joint Legislative Budget Committee and a review of the proposed changes by the Legislative Analyst.

(f) This section shall become operative on July 1, 1995, unless the Child Welfare Services Case Management System is not implemented statewide July 1, 1993, as specified in Section 16501.5. If the Child Welfare Services Case Management System is implemented later than July 1, 1993, this section shall become operative two years after the implementation of the Child Welfare Services Case Management System.

SEC. 30. Section 15204.2 of the Welfare and Institutions Code is amended to read:

15204.2. The state shall pay 70 percent of the nonfederal administrative costs of administering AFDC grants subject to Sections 15204.5 and 15204.6, but not including activities related to the collection of support from noncustodial parents and the determination of paternity in the case of a child born out of wedlock. In the event that the federal government does not provide funding for the non-AFDC collection of child support from noncustodial parents and the non-AFDC determination of paternity in the case of a child born out of wedlock, the state shall pay 75 percent of the non-AFDC administrative costs. The state shall pay 70 percent of the nonfederal share of the cost of eligibility and nonservice staff development pursuant to the regulations of the department.

SEC. 31. Section 16500.5 of the Welfare and Institutions Code is amended to read:

16500.5. (a) (1) The Legislature hereby finds and declares its intent to encourage the continuity of the family unit by:

(A) Providing services to families to avoid or limit out-of-home placement of children through a family preservation program serving children who are at imminent risk of placement and would

be eligible for AFDC-FC if they were placed out of their own homes.

(B) Providing supportive services for those children within the meaning of Sections 361 and 364 when they are returned to the family unit or when a minor will probably soon be within the jurisdiction of the juvenile court pursuant to Section 330.

(C) Providing counseling and support designed to eradicate the situation that necessitated intervention.

(2) The Legislature finds that maintaining abused and neglected children in foster care grows increasingly costly each year, and that adequate funding for family services which might enable these children to remain in their homes is not as readily available as funding for foster care placement.

(3) The Legislature further finds that other state bodies have addressed this problem through various systems of flexible reimbursement in child welfare programs that provide for more intensive and appropriate services to prevent foster care placement or significantly reduce the length of stay in foster care.

(4) Accordingly, it is the intent of the Legislature in enacting this section to establish a system of flexible reimbursement in order to evaluate its potential as an efficient, economical, and effective alternative to out-of-home placement of children.

(b) (1) (A) (i) Any county, subject to the approval of the State Department of Social Services, may claim, on an annual basis, a portion of the state's share of that county's AFDC-FC expenditures pursuant to subdivision (d) of Section 11450 in advance, provided the county conducts a program of family reunification and family maintenance services for families receiving these services pursuant to Sections 300, 330, 361, and 364.

(ii) The department or a participating county may terminate a county's participation in the program upon 30 days' notice if the project is deemed unsuccessful by either party.

(iii) For each fiscal year, a participating county may claim in advance an amount up to 10 percent of the projected state's share of AFDC-FC funds to be expended by that county pursuant to subdivision (d) of Section 11450.

(iv) The specific amount of funds to be advanced each year shall be determined by projecting the state share of AFDC-FC General Fund expenditures, for abused or neglected children supervised and placed by the county welfare department for each of the program years based upon state expenditures for AFDC-FC for the previous five years.

(B) If the county's total AFDC-FC General Fund expenditures, added to the amount expended from the advance to the county exceeds, by more than 5 percent, the county's total projected AFDC-FC General Fund expenditures for that fiscal year, the county shall fund that portion of the overage in excess of 5 percent on a 100 percent basis. If the sum of a participating county's total AFDC-FC General Fund expenditures for their children, added to the amount

expended from the advance to the county, is less than the total projected AFDC-FC General Fund expenditures for their children for that fiscal year, the county shall receive 25 percent of the amount of the savings.

(2) A participating county's share of expenditures in excess of the projected total may be reduced upon approval of the department and the Department of Finance based on consideration of any unanticipated factors which result in higher than projected AFDC-FC expenditures.

(3) Services which may be provided under this program may include, but are not limited to, counseling, parenting, respite, day treatment, transportation, and homemaking. Additional services may include those enumerated in Sections 16506.1 and 16507.1. The services to be provided pursuant to this section may be determined by each participating county. Each county may contract with individuals and organizations for services to be provided pursuant to this section.

(4) (A) Participating counties authorized by this subdivision shall provide specific programs of direct services based on individual family needs as reflected in the service plans to families of the following:

(i) Children who are dependent children not taken from physical custody of their parents or guardians pursuant to Section 364.

(ii) Children who are dependent children removed from the physical custody of their parents or guardian pursuant to Section 361.

(iii) Children who it is determined will probably soon be within the jurisdiction of the juvenile court pursuant to Section 330.

(B) The county welfare department social worker may return a dependent minor removed from the home pursuant to Section 361, with appropriate program services, pursuant to an appropriate court order.

(5) The services shall only be provided to families whose children are certified by a juvenile court judge to be children who will be placed in out-of-home care without the provision of services or to be children who can be returned to their families with the provision of services.

(6) The services selected by any participating county shall be reasonable and meritorious and shall demonstrate cost effectiveness and success at avoiding out-of-home placement, or reducing the length of stay in out-of-home placement. A county shall not expend more funds for services under this subdivision than that amount which would be expended for placement in out-of-home care.

(7) The program in each county shall be deemed successful if at least 75 percent of the children receiving services remain in their own home for six months after termination of services, and if 60 percent remain at home one year after services are terminated. With respect to children selected to receive services who have already been removed from their home and placed in out-of-home care, the

county program shall be deemed successful if the average length of stay in out-of-home care is 50 percent less than the average length of stay in out-of-home care of children who do not receive program services.

(8) Funds used for services provided under this section shall supplement, not supplant, child welfare services funds available for services pursuant to Sections 16506.1 and 16507.1.

(9) Each county participating in the program authorized by this section may, subject to the approval of the department, continue to utilize the advance fund-claiming mechanism specified in paragraph (1) if it demonstrates the successful outcome of the county program, based on the criteria for success specified in paragraph (7).

(10) The department shall submit a report to the Legislature that includes data from each participating county demonstrating to what extent each has met the criteria specified in this section. An interim report shall be submitted by the department no later than six months after the conclusion of the three pilot projects with a final report to be submitted after pilot project completion. Programs authorized after the original pilot projects shall submit data to the department upon the department's request. Subsequent reports to the Legislature on the programs administered pursuant to this section shall be included with the child welfare system report to the Legislature.

(c) A county welfare department social worker or probation officer may, pursuant to an appropriate court order, return a dependent minor or ward of the court removed from the home pursuant to Section 361 to his or her home, with appropriate interagency family preservation program services.

(d) State foster care funds shall remain within the administrative authority of the county welfare department and shall be used only for placement services or placement prevention services or county welfare department administrative cost related to the interagency family preservation program.

(e) To the extent permitted by federal law, any federal funds provided for services to families and children may be utilized for the purposes of this section.

(f) A county may establish family preservation programs that serve one or more geographic areas of the county, subject to the approval of the State Department of Social Services.

SEC. 32. Section 16500.55 of the Welfare and Institutions Code is amended to read:

16500.55. (a) Subject to the approval of the State Department of Social Services and the Department of Finance, the family preservation program provided for under Section 16500.5 may be expanded to allow the participation of any county which submits a family preservation plan pursuant to Section 16500.5 to the State Department of Social Services.

(b) All of these family preservation programs shall be

implemented and administered in accordance with Section 16500.5.

(c) The department shall only approve participation of any county that was not participating in the program, pursuant to subdivision (b) of Section 16500.5, on September 21, 1990, if the county has a high probability of success and if the majority of the family preservation projects are deemed successful, based on criteria set forth in paragraph (7) of subdivision (b) of Section 16500.5.

(d) Not more than 24 additional counties per year may participate pursuant to this section.

(e) Any county which participates in the program pursuant to this section on or after the effective date of the act which amends this section in the 1991 calendar year shall provide services to children who have been adjudged wards of the court pursuant to Sections 601 and 602 only to the extent approved by the department.

SEC. 33. Section 16501.5 of the Welfare and Institutions Code is amended to read:

16501.5. (a) In order to protect children and effectively administer and evaluate California's Child Welfare Services and Foster Care programs, the department shall implement a single statewide Child Welfare Services Case Management System no later than July 1, 1993.

(b) It is the intent of the Legislature in developing and implementing a statewide Child Welfare Services Case Management System to minimize the administrative and systems barriers which inhibit the effective provision of services to children and families by applying current technology to the systems which support the provision and management of child welfare services. Therefore, it is the intent of the Legislature that the Child Welfare Services Case Management System achieve all of the following:

(1) Provide child welfare services workers with immediate access to child and family specific information in order to make appropriate and expeditious case decisions.

(2) Provide child welfare services workers with the case management information needed to effectively and efficiently manage their caseloads and take appropriate and timely case management actions.

(3) Provide state and county child welfare services management with the information needed to monitor and evaluate the accomplishment of child welfare services tasks and goals.

(4) Provide all child welfare services agencies with a common data base and definition of information from which to evaluate the child welfare services programs in terms of the following:

(A) Effectiveness in meeting statutory and regulatory mandates, goals, and objectives of the programs.

(B) Effectiveness in meeting the needs of the families and children serviced by the program.

(C) Projecting and planning for the future needs of the families and children served by the program.

(5) Meeting federal statistical reporting requirements with a minimum of duplication of effort.

(6) Consolidate the collection and reporting of information for those programs which are closely related to child welfare services, including foster care and emergency assistance.

(7) Utilize the child welfare services functionality defined in current and planned automated systems as the foundation for the development of the technical requirements for the Child Welfare Services Case Management System.

(c) It is the intent of the Legislature that the Child Welfare Services Case Management System shall provide the required comprehensive and detailed individual county data needed by the department to implement and monitor the performance standards system specified in Section 11215.

(d) If the Child Welfare Services Case Management System is not implemented statewide by July 1, 1993, Section 15200, which provides for State Treasury appropriations equal to 40 percent of the sum necessary for the adequate care of each child pursuant to subdivision (d) of Section 11450, shall remain in effect until two years after the implementation of the Child Welfare Services Case Management System.

SEC. 34. Section 17000.5 is added to the Welfare and Institutions Code, to read:

17000.5. (a) The board of supervisors in any county may adopt a general assistance standard of aid that is 62 percent of a guideline that is equal to the 1991 federal official poverty line and may annually adjust that guideline in an amount equal to any adjustment provided under Chapter 2 (commencing with Section 11200) of Part 3 for establishing a maximum aid level in the county.

(b) The adoption of a standard of aid pursuant to this section shall constitute a sufficient standard of aid.

(c) Nothing in this section is intended to abrogate preexisting settlements.

(d) For purposes of this section, "federal official poverty line" means the same as it is defined in subsection (2) of Section 9902 of Title 42 of the United States Code.

SEC. 35. Section 17020 is added to the Welfare and Institutions Code, to read:

17020. Any person who is eligible for aid under Chapter 2 (commencing with Section 11200) of Part 3 shall not be eligible for monthly payments provided pursuant to this part if the maximum payment standard established by a county pursuant to Section 17001 exceeds the payment level established pursuant to subdivision (a) of Section 11450.

SEC. 35. Section 18906.5 of the Welfare and Institutions Code is amended to read:

18906.5. The state shall pay 70 percent of the nonfederal costs of administering the Food Stamp program, subject to the provisions of

Sections 18906 and 18906.7. The counties shall pay the remaining share of the nonfederal costs.

SEC. 36. Section 18917 of the Welfare and Institutions Code is repealed.

SEC. 37. Chapter 12.9 (commencing with Section 18988) is added to Part 6 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 12.9. REGULATORY FLEXIBILITY FOR ADULT SOCIAL SERVICES

18988. (a) In order to ensure maximum flexibility in providing adult social services programs administered by the State Department of Social Services, including, but not limited to, In-Home Supportive Services and adult protective services, and that are impacted by the realignment of state and county services by the act that added this chapter, a county may submit to the Director of Social Services a request to waive existing state regulations which hinder the coordination and provision of services.

(b) Any county may appeal any negative decision regarding a requested waiver of state regulations submitted pursuant to subdivision (a) that is made by the Director of Social Services to the Secretary of the Health and Welfare Agency.

18988.05. Any request under this chapter shall contain, at a minimum, all of the following:

(a) The regulation or regulations for which the county requests a waiver.

(b) A statement as to why the identified regulation or regulations should be waived.

(c) A statement as to why the identified regulation or regulations inhibit the efficient administration of the program.

(d) A comparison of the following:

(1) The services and the number of persons to be served under the requested waiver.

(2) The services and the number of persons to be served without the requested waiver.

(e) Projected costs or savings due to the requested waiver.

(f) Any impact on state and federal funding.

18988.10. When approving a county request for a waiver pursuant to this chapter, the Secretary of the Health and Welfare Agency shall ensure all of the following:

(a) Services and eligible persons served under the affected program are maintained.

(b) There is no increase in costs to the state or to clients.

(c) There is no loss of federal financial participation.

(d) The Secretary of the Health and Welfare Agency shall notify the appropriate policy committees and fiscal committees of the Legislature no later than 30 days before any waiver or waivers granted pursuant to this chapter take effect.

SEC. 38. The Legislature finds and declares that a special law pursuant to Section 881.5 Welfare and Institutions Code is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances of the County of Alameda. The facts constituting the special circumstances are:

Due to serious fiscal constraints, plans were under way within the County of Alameda to close one county juvenile ranch prior to the enactment of this act. However, in order to ensure an orderly transition of wards in camp placement, an additional period of time is necessary beyond the time limitations imposed by this statute.

SEC. 39. (a) In the event of a determination by the Commission on State Mandates, which is not appealed by the Director of Finance in accordance with subdivision (c), or a final judicial determination by a California court of appellate jurisdiction that any provision of this act is a state-mandated local program requiring state reimbursement to a local agency or school district within the meaning of Section 6 of Article XIII B of the California Constitution, the provisions of this act shall become inoperative 60 days following the date on which the Commission on State Mandates adopts an estimated statewide cost of reimbursement pursuant to such a commission decision finding a state mandate, or following the date on which the first such judicial determination becomes final.

(b) This section shall be operative only in the event that the estimated statewide cost of reimbursement exceeds one million dollars (\$1,000,000) per year. The estimated cost of reimbursement for purposes of this one million dollar (\$1,000,000) limitation shall be determined by reference to the estimated statewide cost of the mandate adopted by the Commission on State Mandates if the estimate is made and adopted. If the commission has adopted no such report, the estimated statewide cost of reimbursement shall be determined by the Director of Finance.

(c) This act shall not become inoperative pursuant to subdivision (a) if the Director of Finance files a written Notice of Intent to Appeal with the Commission on State Mandates within 60 days of the adoption of an estimated statewide cost of reimbursement pursuant to a decision by the commission finding that any of the provisions of this act is a state-mandated local program requiring reimbursement within the meaning of Section 6 of Article XIII B of the California Constitution. The Notice of Intent to Appeal specified by this subdivision shall consist of a written notice setting forth the intention of the Director of Finance to seek judicial review of the decision of the Commission on State Mandates that is received by the commission within the time specified.

SEC. 40. (a) In the event of a final judicial determination by a California court of appellate jurisdiction that the revenues collected pursuant to Sections 6051.2 and 6201.2 of the Revenue and Taxation Code are General Fund proceeds of taxes which may be

appropriated pursuant to Article XIII B of the California Constitution or allocated local proceeds of taxes as used in paragraph (2) of subdivision (b) of Article XVI of the California Constitution, then Sections 6051.2 and 6201.2 of the Revenue and Taxation Code shall cease to be operative on the first day of the first month of the calendar quarter following notification to the State Board of Equalization by the Department of Finance of the determination.

(b) Any amendments to the Vehicle License Fee Law, in the 1991-92 Regular Session, which result in an increase in the vehicle license fee paid, shall cease to be operative on the first day of the month following the month in which the Department of Motor Vehicles is notified by the Department of Finance of a final judicial determination by a California court of appellate jurisdiction of either of the following:

(1) The allocation of funds from the Vehicle License Account or the Growth Account from the Local Revenue Fund established during the 1991-92 Regular Session is in violation of Section 15 of Article XI of the California Constitution.

(2) The state is obligated to reimburse counties for costs of providing medical services to medically indigent adults pursuant to Chapters 328 and 1594 of the Statutes of 1982.

SEC. 41. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 42. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to timely provide for the establishment of the programs required by this bill, it is necessary that this act take effect immediately.

CHAPTER 868

An act to amend Section 16500.5 of the Welfare and Institutions Code, relating to public assistance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 11, 1991. Filed with
Secretary of State October 14, 1991.]

LEGISLATIVE COUNSEL'S DIGEST

AB 546, Bronzan. Public assistance: family preservation services.

Existing law provides for the allocation of state and federal funds to counties to provide child welfare services, including Aid to Families with Dependent Children-Foster Care services (AFDC-FC).

Existing law provides for a program permitting participating counties to claim, on an annual basis, a prescribed portion of the state's share of that county's AFDC-FC General Fund expenditures in advance if the county shows that it will conduct a program of family reunification and family maintenance services for families whose children are in danger of out-of-home placement, under specified conditions, who probably would be within the jurisdiction of the court under specified conditions, or who could be returned to their families with the provision of services.

Existing law provides that, if a county's total expenditures, added to the amount expended from the advance to the county, exceeds its total projected AFDC-FC General Fund expenditures by more than 5%, it shall fund the overage on a 100% basis, except that the county's share of the excess may be reduced based on consideration of any unanticipated factors.

This bill would authorize a participating county also to claim, to the extent permitted by federal law, the federal share of that county's AFDC-FC expenditures in advance. This bill would specify some of the unanticipated factors that may be considered in reducing the county's share of the overage.

Existing law permits counties to claim in advance up to 10% of the projected state share of AFDC-FC funds to be advanced to the county.

This bill would specify that the amount to be advanced, for purposes of that computation, is the amount to be expended for children who are eligible for family reunification and family maintenance services, and would revise the percentage that may be claimed in advance to be an actual dollar amount not to exceed 25% of the projected expenditures.

Existing law authorizes counties to provide certain services under the family reunification and maintenance program.

This bill would authorize counties to provide mental health and substance abuse treatment services, and would specify that counties which choose to provide these services shall identify and develop these services in consultation with specified county agencies. This bill would also require counties to utilize available private nonprofit resources of at least equal quality and cost prior to developing new county-operated resources, and to utilize available county resources of at least equal quality and cost prior to new private nonprofit resources.

Existing law requires that participating counties provide services to families of specified children.

This bill would expand the types of children whose families are to receive services, to include certain children who become wards of the court for habitual truancy or commission of a crime, and seriously emotionally disturbed children who are determined to require out-of-home placement under specified provisions of law, subject to the approval of the State Department of Social Services.

Existing law sets forth criteria for determining the success of the program. Existing law provides that counties may continue to claim funds in advance if they demonstrate successful outcome under these criteria.

This bill would revise these criteria, and would clarify this requirement to specify that counties shall only receive funding in advance if the department finds the county has demonstrated the successful outcome of the program under these criteria.

Existing law authorizes a county welfare department to return a dependent minor or ward who has been removed from his or her home to the home after an appropriate court order and with the provision of specified services.

This bill would authorize the county probation department to refer cases to the county welfare department for provision of these services through an interagency agreement.

Existing law continuously appropriates state funds to counties for the support and maintenance of needy children, including those children receiving foster care assistance under the AFDC-FC program.

This bill, by revising the use for which a portion of those continuously appropriated funds may be used by counties statewide, would revise the continuous AFDC-FC appropriation, thereby resulting in an appropriation.

The bill would also reallocate money appropriated by the Budget Act of 1991 to authorize the use of the money for the purposes of this bill. By revising the permissible uses of that money, this bill would make an appropriation.

This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Intensive in-home family preservation programs can reduce the cost of foster care by keeping families together.

(b) Local child welfare social workers are constrained in their efforts to keep families together and avoid foster care placement for abused children because there are insufficient in-home services available at the county level for these children and their families.

(c) According to estimates by the State Department of Social Services, 63,800 children will reside in foster care in the 1990-91 fiscal year due to abuse and neglect. This figure is 76 percent higher than the number of children placed in foster care in the 1985-86 fiscal year.

(d) It is the policy of the State of California that abused and neglected children should be served in their own homes whenever possible in order to prevent foster care placement and to preserve family unity, and that reasonable efforts be made to prevent the need for out-of-home placement.

(e) Preliminary results of implementation of the family preservation services programs pursuant to Section 16500.5 of the Welfare and Institutions Code have shown that the programs are successful in reducing both the number of children placed and the cost to the state, paid from the General Fund, for services to these children and their families.

(f) It is imperative that the State of California recognize that its efforts to keep families safely together and prevent foster care placement will continue to be severely hampered unless the availability of family-centered services is increased at the local level so that alternatives to foster care placement are readily available.

SEC. 2. Section 16500.5 of the Welfare and Institutions Code is amended to read:

16500.5. (a) (1) The Legislature hereby declares its intent to encourage the continuity of the family unit by:

(A) Providing services to families to avoid or limit out-of-home placement of children through a family preservation program serving children who are at imminent risk of placement and would be eligible for AFDC-FC if they were placed out of their own homes.

(B) Providing supportive services for those children within the meaning of Sections 361 and 364 when they are returned to the family unit or when a minor will probably soon be within the jurisdiction of the juvenile court pursuant to Section 330.

(C) Providing counseling and support designed to eradicate the situation that necessitated intervention.

(2) The Legislature finds that maintaining abused and neglected children in foster care grows increasingly costly each year, and that adequate funding for family services which might enable these

children to remain in their homes is not as readily available as funding for foster care placement.

(3) The Legislature further finds that other state bodies have addressed this problem through various systems of flexible reimbursement in child welfare programs that provide for more intensive and appropriate services to prevent foster care placement or significantly reduce the length of stay in foster care.

(4) Accordingly, it is the intent of the Legislature in enacting this section to establish a system of flexible reimbursement in order to evaluate its potential as an efficient, economical, and effective alternative to out-of-home placement of children.

(b) (1) (A) (i) Any county, subject to the approval of the State Department of Social Services, may claim, on an annual basis, a portion of the state's share, and to the extent permitted, the federal share, of that county's AFDC-FC expenditures pursuant to subdivision (d) of Section 11450 for children subject to Sections 300, 330, 361, and 364, in advance, provided the county conducts a program of family reunification and family maintenance services for families receiving these services pursuant to Sections 300, 330, 364, and, as permitted by the department, children subject to Sections 601, 602, 726, and 727 of this code, and Section 7572.5 of the Government Code.

(ii) The department or a participating county may terminate a county's participation in the program upon 30 days' notice if the project is deemed unsuccessful by either party.

(iii) For each fiscal year, a participating county may claim in advance an amount not to exceed an actual dollar amount which shall not exceed 25 percent of the projected state's share, and to the extent permitted, the federal share, of AFDC-FC funds to be expended by that county pursuant to subdivision (d) of Section 11450 for children subject to Sections 300, 330, 361, and 364.

(iv) The specific amount of funds to be advanced each year shall be determined by projecting the state share of AFDC-FC General Fund expenditures, and to the extent permitted, the federal share of AFDC-FC expenditures for abused or neglected children supervised and placed by the county welfare department pursuant to Sections 300, 330, 361, and 364, for each of the program years based upon state, and to the extent permitted, federal expenditures for AFDC-FC for the previous five years.

(B) If the county's total AFDC-FC General Fund expenditures and, to the extent permitted, the federal share of AFDC-FC expenditures, added to the amount expended from the advance to the county exceeds, by more than 5 percent, the county's total projected AFDC-FC General Fund expenditures and, to the extent permitted, the federal share of AFDC-FC expenditures for that fiscal year, the county shall fund that portion of the overage in excess of 5 percent on a 100 percent basis. If the sum of a participating county's total AFDC-FC General Fund expenditures and, to the extent

permitted, the federal share of AFDC-FC expenditures for their children, added to the amount expended from the advance to the county, is less than the total projected AFDC-FC General Fund expenditures and, to the extent permitted, the federal share of AFDC-FC expenditures for their children for that fiscal year, the county shall receive 25 percent of the amount of the savings.

(2) A participating county's share of expenditures in excess of the projected total may be reduced upon approval of the department and the Department of Finance based on consideration of any unanticipated factors which result in higher than projected AFDC-FC expenditures for children described in subparagraph (A) of paragraph (1). These factors may include, but need not be limited to, all of the following:

- (A) The impact of substance abuse.
- (B) Poverty and economic indicators.
- (C) Modifications of statutes and regulations.

(3) Services which may be provided under this program may include, but are not limited to, counseling, mental health treatment and substance abuse treatment services, parenting, respite, day treatment, transportation, and homemaking. Each county that chooses to provide mental health treatment and substance abuse treatment shall identify and develop these services in consultation with county mental health treatment and substance abuse treatment agencies. Additional services may include those enumerated in Sections 16506.1 and 16507.1. The services to be provided pursuant to this section may be determined by each participating county. Each county may contract with individuals and organizations for services to be provided pursuant to this section. Each county shall utilize available private nonprofit resources in the county prior to developing new county-operated resources when these private nonprofit resources are of at least equal quality and costs as county-operated resources and shall utilize available county resources of at least equal quality and cost prior to new private nonprofit resources.

(4) Participating counties authorized by this subdivision shall provide specific programs of direct services based on individual family needs as reflected in the service plans to families of the following:

(A) Children who are dependent children not taken from physical custody of their parents or guardians pursuant to Section 364.

(B) Children who are dependent children removed from the physical custody of their parents or guardian pursuant to Section 361.

(C) Children who it is determined will probably soon be within the jurisdiction of the juvenile court pursuant to Section 330.

(D) Upon approval of the department, children who have been adjudged wards of the court pursuant to Sections 601 and 602.

(E) Upon approval of the department, families of children

subject to Sections 726 and 727.

(F) Upon approval of the department, children who are determined to require out-of-home placement pursuant to Section 7572.5 of the Government Code.

(5) The services shall only be provided to families whose children will be placed in out-of-home care without the provision of services or to be children who can be returned to their families with the provision of services.

(6) The services selected by any participating county shall be reasonable and meritorious and shall demonstrate cost effectiveness and success at avoiding out-of-home placement, or reducing the length of stay in out-of-home placement. A county shall not expend more funds for services under this subdivision than that amount which would be expended for placement in out-of-home care.

(7) The program in each county shall be deemed successful if it meets the following standards:

(A) At least 75 percent of the children receiving services remain in their own home for six months after termination of services.

(B) During the first year after services are terminated:

(i) At least 60 percent of the children receiving services remain at home one year after services are terminated.

(ii) The average length of stay in out-of-home care of children selected to receive services who have already been removed from their home and placed in out-of-home care is 50 percent less than the average length of stay in out-of-home care of children who do not receive program services.

(C) Two years after the termination of family preservation services:

(i) The average length of out-of-home stay of children selected to receive services under this section who, at the time of selection, are in out-of-home care, is 50 percent less than the average length of stay in out-of-home care for children in out-of-home care who do not receive services pursuant to this section.

(ii) At least 60 percent of the children who were returned home pursuant to this section remain at home.

(8) Funds used for services provided under this section shall supplement, not supplant, child welfare services funds available for services pursuant to Sections 16506.1 and 16507.1.

(9) Each county participating in the program authorized by this section shall only continue to utilize the advance fund-claiming mechanism specified in paragraph (1) if the department finds the county has demonstrated the successful outcome of the county program, based on the criteria for success specified in paragraph (7).

(10) The department shall submit a report to the Legislature that includes data from each participating county demonstrating to what extent each has met the criteria specified in this section. An interim report shall be submitted by the department no later than six months after the conclusion of the three pilot projects with a final report to

be submitted after pilot project completion. Programs authorized after the original pilot projects shall submit data to the department upon the department's request. Subsequent reports to the Legislature on the programs administered pursuant to this section shall be included with the child welfare system report to the Legislature.

(c) (1) A county welfare department social worker or probation officer may, pursuant to an appropriate court order, return a dependent minor or ward of the court removed from the home pursuant to Section 361 to his or her home, with appropriate interagency family preservation program services.

(2) The county probation department may, with the approval of the State Department of Social Services, through an interagency agreement with the county welfare department, refer cases to the county welfare department for the direct provision of services under this subdivision.

(d) State foster care funds shall remain within the administrative authority of the county welfare department and shall be used only for placement services or placement prevention services or county welfare department administrative cost related to the interagency family preservation program.

(e) To the extent permitted by federal law, any federal funds provided for services to families and children may be utilized for the purposes of this section.

(f) A county may establish family preservation programs that serve one or more geographic areas of the county, subject to the approval of the State Department of Social Services.

SEC. 3. The Director of Finance, upon notification of the Joint Legislative Budget Committee and a determination that expansion of projects authorized by Section 16500.5 of the Welfare and Institutions Code will result in savings to the General Fund, may authorize the transfer of funds from subdivision (a) of Item 5180-101-001 of the Budget Act of 1991, Chapter 118 of the Statutes of 1991, as follows:

(a) An amount, cumulatively not to exceed three hundred eighty thousand dollars (\$380,000) to subdivision (b) of Item 5180-001-001, to monitor and evaluate existing family maintenance and family reunification services as part of a program established by Section 16500.5 of the Welfare and Institutions Code and to review, approve, and evaluate new county programs established under this section pursuant to Chapter 91 of the Statutes of 1991. The amount of the transfer shall be determined based on projected workload data submitted by the State Department of Social Services.

(b) An amount, cumulatively not to exceed twenty million dollars (\$20,000,000) to paragraph (1) of subdivision (a) of Item 5180-151-001, Social Services Program-Child Welfare Services, in order to advance funds to counties to conduct a program of family reunification and family maintenance services pursuant to Section

16500.5 of the Welfare and Institutions Code.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide the widest range of emergency services to distressed children and families as soon as possible, and to rapidly initiate services to prevent the disruption or destruction of the family unit, it is necessary for this act to take effect immediately.

